

---DRAFT UNAPPROVED ---

**ADVISORY BOARD ON MIDWIFERY
MINUTES**

October 10, 2008

The Advisory Board on Midwifery met on Friday, October 10, 2008, at 10:00 a.m. at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Richmond, Virginia. Deren Bader, CPM, DrPh, Chair, called the meeting to order. A quorum was declared.

MEMBERS PRESENT:

Deren Bader, CPM, DrPh, Chair
Peggy Franklin, CPM, Vice-Chair
Leslie Payne, CPM
Freeda Cathcart
Wade Neiman, MD

STAFF PRESENT:

Jennifer Deschenes, Deputy Executive Director, Discipline
Elaine Yeatts, Senior Regulatory Analyst
Colanthia Morton, Operations Manager
Eusebia L. Joyner, Licensing Specialist

GUESTS PRESENT:

Kim Pekin, Gentle Homebirth Services, LLC
Becky Bowers Lanier, Commonwealth Midwives Alliance
Glenda Turner, Commonwealth Midwives Alliance
Kim Mosny, CPM, LM, Home Birth Midwifery Service
Tyler Cox, HDJN
Melanie Gerheart, VA Section, ACOG

CALL TO ORDER

Ms. Bader called the meeting to order.

Let it be noted for the record that Ms. Morton announced the Emergency Evacuation Instructions prior to the meeting.

ROLL CALL

Roll was called and a quorum declared.

APPROVAL OF MINUTES OF FEBRUARY 8, 2008

Ms. Franklin moved to approve the minutes dated February 8, 2008. The motion was seconded and carried.

ADOPTION OF AGENDA

Ms. Cathcart moved to adopt the agenda. The motion was seconded and carried.

PUBLIC COMMENTS ON AGENDA ITEMS

There were no public comments.

NEW BUSINESS

1. Status Report on Regulations and Budget

Ms. Yeatts gave the Advisory Board an update on the pending NOIRA regarding care in high risk pregnancy. Ms. Yeatts informed the Advisory Board that the recommendation from them and the Full Board is currently under review within the Executive Branch. To-date, no decision has been rendered.

Ms. Yeatts also gave a quick summary on pending legislation for the 2009 session including cost recovery for disciplinary proceedings, name change for HPIP, and criminal background checks.

Ms. Yeatts reminded the Advisory Board that DHP is a non-general funded agency; however it is not exempt from cuts. Ms. Yeatts advised that DHP has submitted 5%, 10% and 15% budget reduction plans to the Secretary's office.

2. Probably cause Review and Disciplinary Process

Ms. Deschenes presented and explained the process of probable cause review and the disciplinary process in great detail. She referred to Code of Virginia sections: 54.1-2909, 54.1-2400.6, 54.1-2400.7 and 54.1-2915.

Ms. Deschenes indicated that the Board receives about 2000 complaints a year. Ms. Deschenes informed the Advisory Board that to-date there have been 8 complaints received on certified professional midwives. There public documents available for three licensees.

She explained that investigations can be done in-house and more complicated cases may be handled by an investigator going out to gather evidence in the field. Ms. Deschenes stated that in cases closed without a finding of a violation, the respondent may be sent an advisory letter. The purpose of the letter is to apprise the licensee that even though he/she may not have violated the law, he/she may wish to re-assess his/her practice and make some changes.

After the break, Ms. Deschenes continued with the discussion of probable cause review. She impressed upon the Advisory Board members that complaints come into the agency in a variety of ways and from different sources.

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Ms. Deschenes went into further detail regarding how informal fact-finding committees were formed and proceedings held. Ms. Deschenes addressed concerns about a panel's possible experience and knowledge of midwifery and preconceived notions prior to a hearing. Ms. Deschenes indicated that care is taken to preserve the administrative process; identical information is provided to both the respondent and the panel; and that admission of additional documentation is at the discretion of the chair of a proceeding. Ms. Deschenes also advised that in some cases, an expert may be called in to assist the panel in understanding a profession's procedure, protocol, etc.

3. Bylaws

This was provided for informational purposes only.

4. 2009 Board Meeting Dates

The proposed 2009 dates were reviewed and accepted as presented.

5. Election of Officers

Dr. Neiman moved to recommend that Dr. Bader remain as Chair and Ms. Franklin, as Vice-Chair. The motion was seconded and carried unanimously.

ANNOUNCEMENTS

None.

NEXT MEETING DATE

February 6, 2009

ADJOURNMENT

With no other business to conduct the meeting adjourned at 12:45 p.m.

Deren Bader, CPM, DrPh, Chair

William L. Harp, MD, Executive Director

Eusebia Joyner, Licensing Specialist